

Regulatory Position: SAC Designated Rivers & Phosphates

Scope

This position is published alongside our assessment of Special Areas of Conservation (SAC) status for designated rivers. It sets out the legislative basis for NRW's regulatory role, and defines those activities within our regulatory remit, specifically focussing on: discharges to surface water and groundwater; installations; and spreading of organic materials to land.

Our regulatory role

The Environmental Permitting (England and Wales) Regulations (EPR) 2016 as amended, provide the principal legal framework for NRW to regulate activities which have the potential to cause harm to human health or the environment. Our website provides guidance on which activities require an environmental permit, the application process and assessment, and what an operator needs to do to comply with their permit. Environmental permits are the basis for our regulatory role working with operators to manage both the potentially negative environmental impacts of their activities and to achieve the objectives of wider statutory environmental requirements. For example, all permit applications are screened for their potential impact on sensitive receptors such as Special Areas of Conservation (SAC).

Discharges to surface water and groundwater

Discharges to surface water and groundwater require a permit, unless the discharge is of clean surface run-off. [If the water is clean surface run-off](#), for example, rainwater from a roof, road, pathway or clean hard-standing area, you do not need a permit, but need to make sure the discharge stays clean and uncontaminated.

Low risk or exempt activities do not require a permit. Existing domestic [septic tanks and package treatment plants](#) will in most instances only need an exemption registration. There is also a low risk position on temporary dewatering of excavations, covering the discharge of uncontaminated water (such as rainwater) from excavations at building sites and other excavations.

Discharges to sewer do not require a water discharge activity permit but may require the permission of the sewerage undertaker.

NRW screens permit applications and applies the Habitats Regulations Assessment (HRA) and Water Framework Directive (WFD) compliance assessment in accordance with the relevant statutory requirements. The [H1 risk assessment software tool](#) (developed by the Environment Agency and adopted by NRW) is one of a series of tools used to screen the

potential effect of discharges against the objectives and target standards for the receiving water body.

For designated SAC rivers, such as the Wye, [Common Standards Monitoring](#) (CSM) targets have been developed, which include standards for phosphorus (first published in 2016). In line with WFD requirements, NRW applies the most stringent objective for designated river water bodies (i.e. WFD or CSM) when assessing permit requirements. The most stringent objective has also been used in our work with the water industry to plan for future investments to wastewater infrastructure.

Installations

An installation is made up of any stationary technical unit where one or more activities as defined schedule 1, Part 2 of EPR are carried out. These include energy, metal, mineral, chemical, waste, and intensive farming activities. NRW screens permit applications and applies the HRA in accordance with statutory requirements. Discharges to surface water and groundwater are assessed in line with the approach set out above. Installations must also meet industry standard Best Available Technique Associated Emission Limits (BAT-AELs).

NRW issues permits and enforces non-compliances of those permits for intensive farming sites over the set thresholds in EPR, these are currently: 40,000 places for poultry; 2,000 places for production pigs (over 30kg), or 750 places for sows. Other livestock such as cattle are not currently included within EPR.

Wastewater or effluent within an intensive farming unit is generally contained within a sealed source drainage system, for example drainage contained during cleaning within sealed dirty water tanks. Site run-off is managed by good operating techniques and management plans so that only uncontaminated surface water is allowed to discharge directly to ground or surface watercourses. All intensive farm permits contain condition 3.2.1 to prevent pollution from substances not controlled by emission limits being discharged. Only storage and spreading of manures/wastes within the site boundary (as defined on the permit) are regulated by NRW.

Under current regulations anaerobic digestion sites may need an environmental permit depending on what waste is being used, its quantities and where the activity is taking place. Subject to certain limitations agricultural materials such as slurry, manure, animal bedding and plant tissue do not need an environmental permit and can operate under an exemption.

Spreading of organic materials to land

Under EPR the spreading of listed waste materials to land requires a permit. An operator must have a suitable permit and an approved deployment before carrying out any land spreading activities, the permit can either be a standard rule set or bespoke depending upon the activity.

NRW's standard rules permit *SR2010 No. 4 – Mobile plant for land spreading* allows an operator to operate mobile plant for land treatment activities on notified agricultural or non-

agricultural land, where the treatment results in agricultural benefit or ecological improvement.

NRW screens and assesses deployments to ensure both agricultural benefit and compliance with the Habitats Directive. The permit and deployment include conditions to ensure, if complied with, activities will not result in environmental impact.

The storage and spreading of other organic materials to land such as farmyard manure, slurry, and biosolids (i.e. sewage sludge) does not require an EPR permit unless from a permitted unit and within the permit boundary. NRW's regulatory role over these activities is established by: the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010; The Sludge (Use in Agriculture) Regulations (1998). the Nitrate Pollution Prevention (Wales) Regulations 2013 as amended - where they apply within designated Nitrate Vulnerable Zones; the Cross-Compliance regime - for farmers claiming subsidies.